SEMINOLE COUNTY GOVERNMENT BOARD OF ADJUSTMENT AGENDA MEMORANDUM

SUBJECT: Request for a side street setback variance from 40 feet to 25 feet for a proposed pool that projects in front of the building line in the R-1AA (Single-Family Dwelling Classification); (Stefanie Kitner, applicant).

DEPARTMENT: Planning & Development DIVISION: Planning						
AUTHORIZED	BY:	Kathy Fall	CONTACT:	Kathy Fall	EXT.	7444
Agenda Date_	7/24/06	_Regular 🗵	Consent [Public Hearin	g - 6:00	\boxtimes

MOTION/RECOMMENDATION:

- APPROVE the request for a side street setback variance from 40 feet to 25 feet for a proposed pool that projects in front of the building line in the R-1AA (Single-Family Dwelling Classification); or
- <u>DENY</u> the request for a side street setback variance from 40 feet to 25 feet for a proposed pool that projects in front of the building line in the R-1AA (Single-Family Dwelling Classification); or
- 3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning:	Stefanie Kitner 100 Idyllwilde Drive R-1AA (Idyllwilde)
BACKGROUND / REQUEST	project be of their continued of the property applicant enclosure. There is	licants propose to construct a pool that will eyond the established building line on the side orner lot abutting West 25 th Street. cosed pool is 40 feet by 16 feet and the s are currently not proposing a screen e. no record of prior variances having been or this property.

STAFF FINDINGS

The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

- No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. The applicant property is larger than the typical lot located in the Idyllwilde of Lock Arbor neighborhood in which other lots have accommodated pools without variances.
- Special conditions and circumstances result from the actions of the applicant. The applicants are choosing to construct the pool in this location when there are other opportunities to place the pool without a variance.
- The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. Others in the Idyllwilde of Lock Arbor neighborhood are required to meet pool setbacks on smaller lots unless the request a variance.
- The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. Denying the applicants the variance would not deprive them rights enjoyed by others in the zoning classification because the size of their lot.

The applicant would still retain reasonable use of the land, building or structure without the granting of the variance. The applicant currently retains reasonable use of their property with a single family home which is typical in size with others in the neighborhood. They have the ability to reduce or reconfigure their 1100 square foot addition and construct the pool without needing a variance.

STAFF RECOMMENDATION

- Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval:
 - Any variance granted shall apply only to the proposed pool as depicted on the attached site plan; and
 - Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.

SIGNATURE OF OWNER OR AGENT

Proof of owner's authorization is required with submittal if sloned by agent.



SEMINOLE COUNTY PLANNING DIVISION
1101 EAST FIRST STRE TO SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPLINO. BV 2006 - 121

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

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	(C)	- OSUMENIE PIEOR , TO OS	
Ō	APPEAL FROM DECISION OF THE PLA	ANNING MANAGER	
12 N T - 2 T - 1	PROPERTY OWNER	AUTHORIZED AGENT *	
	Russell P. Kither 1555 100 Idyllwilde Dp.	Stefanie A. KITNER	
	SANFORD	100 TOYLLWILDEDE	
শ্বনীতা	E 407-328-9787	SANFORD 401-328-9787	
	E2 407-402-4913	321-231-3813	
	New Section 1985	Stefanie @ golandpro.com	
	ECT NAME:		
SITE /	ADDRESS: 100 IDYLLWILDE DE	٠.	
CURR	ENT USE OF PROPERTY: PRIMARY	RESIDENCE	
LEGA	DESCRIPTION: NOT IL DYLLLING	DE DE HOLLDONDO DEPLOT	
uce	Wraing to Plat BOOK 13,	PAGE 100 OF SEMINOUE CO. , 1 LID. 34-19-30-505-0000-0140	-L.
SIZE C	PROPERTY: acre(s) PARCEL	LI.D. 34-19-30-505-0000-0140	_
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IS PRO	PERTY ACCESSIBLE FOR INSPECTION 🗶	YES O NO	
This req (mo/day/	uest will be considered at the Board of Adjustment re yr), in the Board Chambers (Room 1028) at 6:00 p.m. o Building, located at 1101 East First Street in downton	egular meeting on 7,24,06	
hereby apa corre	affirm that all statements, proposals, and/or plans submitted to the best of my knowledge.	led with or contained within this application are true	
-4			

ADDITIONAL VARIANCES

VARIANCE 2:50.1			
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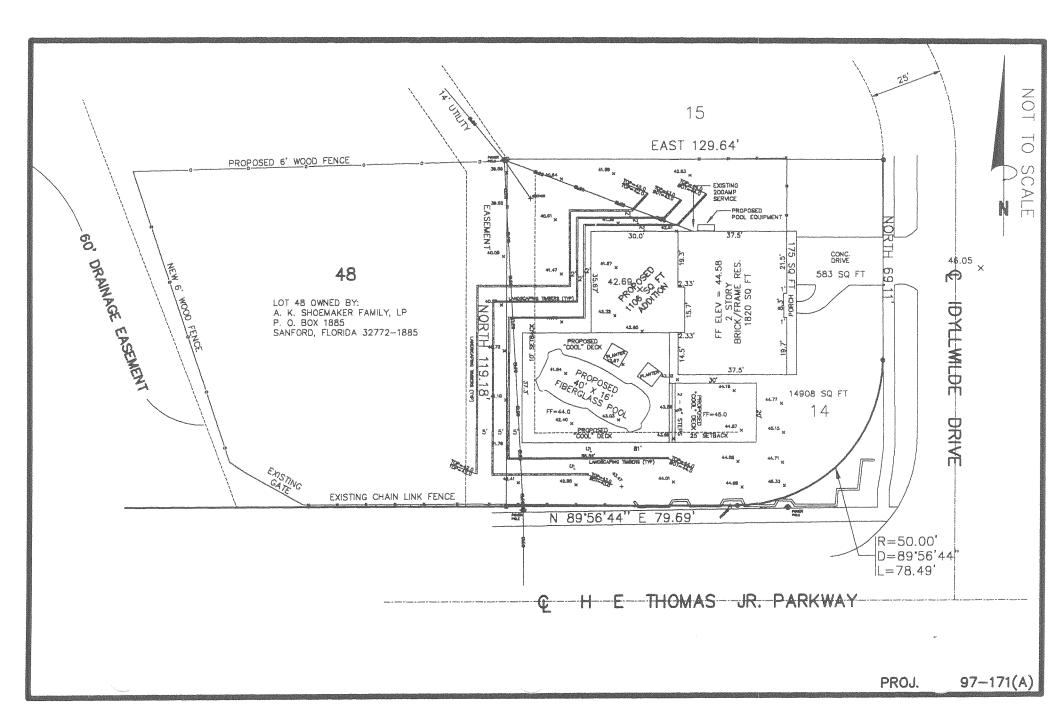
APPEAL FROM BOA DECISION TO BCC

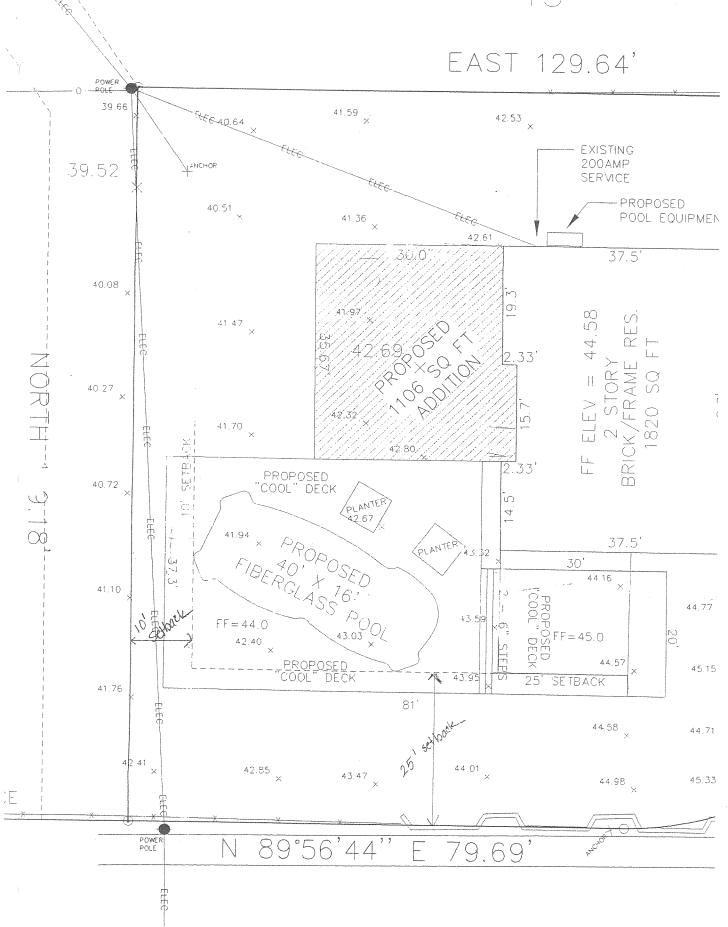
PLANNING ADVISOR

SUFFICIENCY COMMENTS

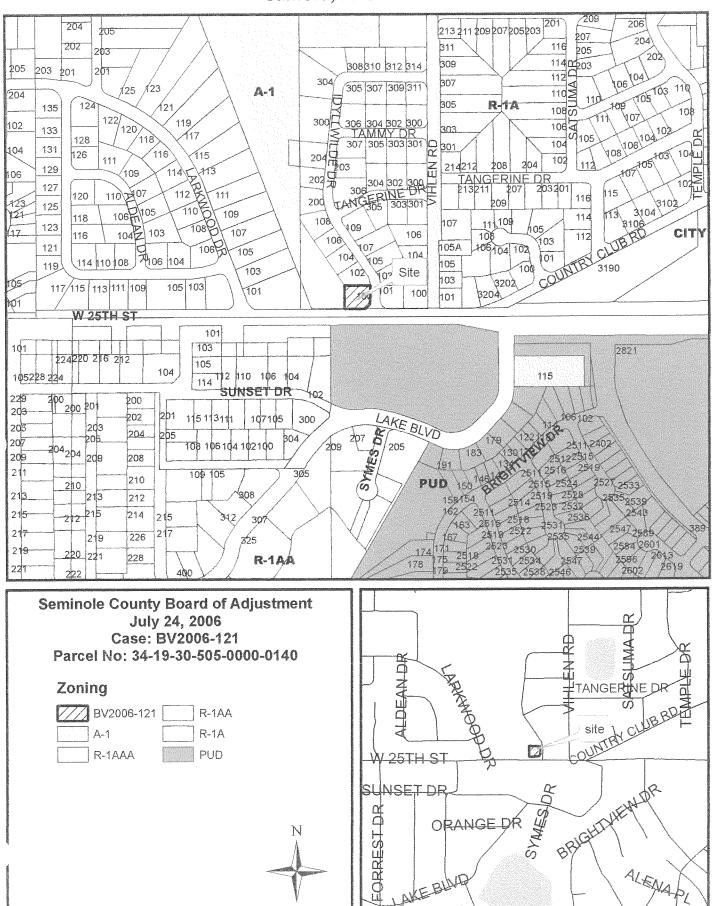
APPELLANT INFORMATION
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FOR OFFICE USE ONLY
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BCC HEARING DATE
LOCATION FURTHER DESCRIBED AS 14 14 15 15 15 15 15 15 15 15 15 15 15 15 15

Last Updated: April 14, 2005

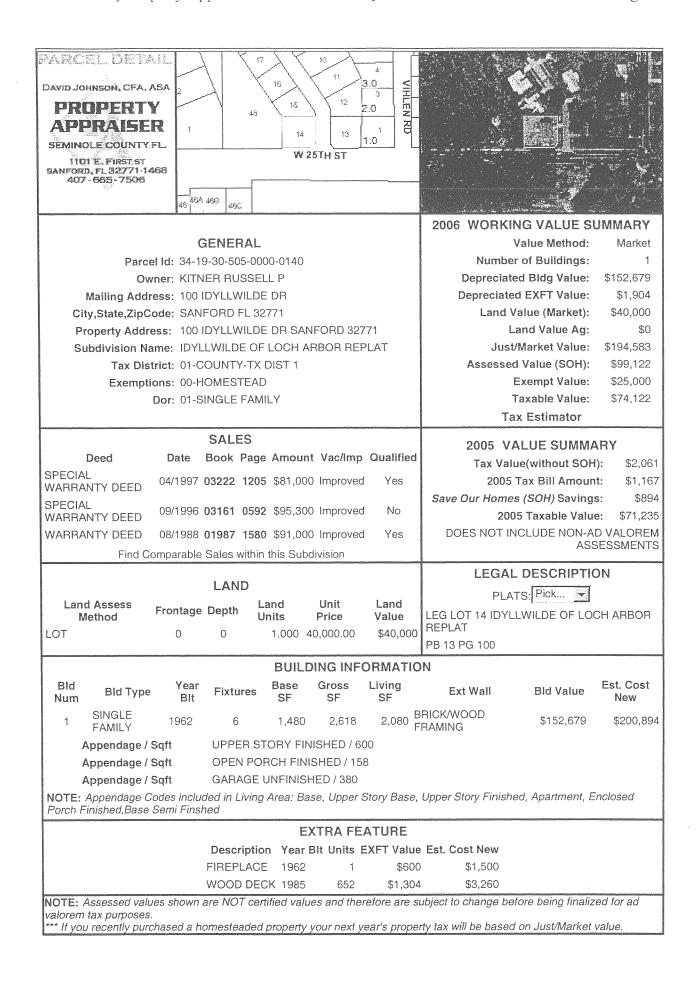




Stefanie A Kitner 100 Idyllwilde Dr Sanford, FI 32771



IDYLLWILDE OF LOCH ARBOR REPLAT DEDICATION WHEREAS: A.H. SHOEMAKER JR. & SOPHA M. SHOEMAKER, his wite, as Owners of the lands heretofare described, have caused the same to be DESCRIPTION: All of Tormwille of Lock Arbor" as recorded in plot Book 13, page 92, at the Public Records of Seminale Surreyed, Platted and Laid Out as shown herean to DE KNOWN AS TOYLLMILDE OF LOCK ARBOR REPLAT and County Florida. Also known as Lots 687, ilen Upsala, as received in Plot Book I, page 67, of the Public Received of Seminale County hereby DEDICATE STREETS SHOWN ON this PLAT to (25) Florida, 2/50 the SW14-SE14-SW14, of Section 34, T-19-5, F30E. THE PERPETUAL use of the PUBLIC. LOT B NEW UPSALA - Lift Station PLAT BOOK I PAGE 57 5 89° 56 02"W 661.16 OF THE Wirness OWNER CORNER NEW UPSALL ACKNOWLEDGEMENT STATE OF FLORIDA 100 COUNTY OF SEMINOLE Before me on officer duis authorized to take acknowledgemears, per, wall, uppeared A.K. SHOEMAKER, JR. & SOPHIA M. SHOEMAKER, his wife, to me well known to be the persons who executed the foregoing dedication as their own free act and deed. Witness my hand and SEAL this day it is ME 592 597 Notary Public ... My Comission Expires 35 36 38 3 23 110 **(A**) CERTIFICATIONS TAMMY DRIVE MORTAGEES - hereby consent to the Platting of the Lands neretofore described and agree than 22 in event of totecrasure the opone dedication shart remoin fully Ettective. 40 39 141 1/4 Witness 2/ A.C. DOUDNEY SURVEYORS, INC. Wieness Mortagee 100.77 43 SURVEYED, MONUMENTED and Plotted as sayan, 20 in accordance with existing Statutory Require STATE OF FLORIDA Registered Land Surgeyor The ALL This 29 day of June 1961. KEY MAP COUNTY OF SEMINOLE Scale-1:1000 BOARD OF COMMISSIONERS յասվեյակ 11127, 119923 - ZONING COMMISSION REMAY LOT 60 Approved ____ 240 SUBDIV. Atrest - Terk The 190y of . ___1961 LCLERK OF THE CIRCUIT COURT Correct da to statutory compliance and the for or facting 961 of Sontag, Florida BELAIR T 800KS, RABE 46 Tithur & Dichwick Scale - 1" + 100 Permanent Reference Anniuments indicated tha -- 0 R.-30-E. CURVE DATA CURVE L 112.00 M 60.00 25.00 221.01 rase PLAT BOOK 13 25.00 25.00 50.00 25.00 50.00 25.00 7500 27/01 120.00 2500 RADIUS 30:30 44.500 38.38.00 34.55:00 9425.00 111: 49:32 84.56 40 90.03.16 90:00:00 49.56-14 88-30:00 A 3: 30:00 41.25.00 15:11:28 4211 18.59 39.27 78.49. 36.47 10930 195.90 58.60 63.86 6704 36.56 41 20 4974 3225 SEN 1 28.01 50.05 25.00 66.94 102 45 3212 3464 AAZ 36.93 24.38



PLANNING & DEVELOPMENT DEPARTMENT

CODE INTERPRETATION/ POLICY

CODE	SECTION OF CODE	TITLE OF SECTION/ SUB
Land Development	2.3 and 30.1345.1	Definitions and Location of swimming Pools and Pool Screen Enclosures

STATEMENT / CODE REQUIREMENT

This is to clarify that applicants not be prohibited from submitting variance applications in accordance with the Land Development Code definition of "variance".

Section 30.1345.1 establishes a 10-foot pool (water's edge) setback from the side and rear property lines and that the pool meet the same front lot line setback established by the primary building. Additionally, any corner lot shall be treated as having front yards on any side abutting a road right of way. In such instance of corner lots, the pool shall not project beyond the established yard of the primary structure into any front yard.

Section 2.3 states in the definition of "variance" that a variance is authorized only for height, area, and size of structure, or size of yards and open spaces.

INTERPRETATION

Because Section 30.1345.1 deals with size of yard requirements, a variance may be requested from any provision of Section 30.1345.1.

RECOMMENDED BY	DATE	REVIEWED BY	DATE	APPROVED BY	DATE
April Boswell	07/10/06			- Wish	7/10/06